REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that claims 1-42 are pending in the application and that claims 1-42 are rejected. By this response, no claims have been cancelled, amended or added. Applicant herein traverses the rejection and requests reconsideration based on the remarks provided below. Thus, claims 1-42 are pending in the application.

Rejections Under 35 U.S.C., §103

Claims 1-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Rappaport* (U.S. Patent No. 6,614,430), in view of *LaCourse* ("3Dmodelserver translates and heals models via the web", CADalyst: February 2000), and further in view of *Rappaport* (U.S. Patent No. 6,828,963) and *Dimsdale* (U.S. Patent No. 6,420,698). Applicant's traverse the Examiner's obviousness rejection because the Examiner has failed to account for all claim limitations in the rejections, either by indicating how each limitation is shown by the references, or by providing an explanation. There exist 42 claims, yet the examiner has rejected all of them in a single paragraph #4 without pointing out specific limitations in each of the specific claims 1-42.

In order for the Examiner to establish a *prima facie* case of obviousness, the Examiner must provide 1) one or more references 2) that were available to the inventor and 3) that teach 4) a reason to combine or modify the references 5) the combination or modification of which would appear to be sufficient to have made the claimed invention

obvious to one of ordinary skill in the art. Here, the Examiner has not established appropriate teachings to account for all claim limitations, or a basis for a suggestion to combine or modify the recited references in a manner that would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. The Examiner must still provide a reasoned statement of rejection grounded in the Graham factors. The Examiner must articulate a reason or rationale to support the obviousness rejection, and that requirement has not been met.

More particularly, independent claim 1 recites, "a source geometric model with target geometric data of respective features in a target geometric model, and operative to identify discrepancies in respective features therebetween" and "said server configured to rectify discrepancies in a feature after generating the feature and prior to generating another feature among the plurality of features". Nowhere are these two limitations taught and nowhere is a reasoned rationale provided to support the obviousness rejection. The Examiner has failed to resolve the Graham factors, articulate appropriate factual findings, and explain the reasoning that provides a nexus between the factual findings and the legal conclusions of obviousness. More particularly, Rappaport ('963) (see col. 8, II. 15-29) teaches undoing a feature if a future feature fails but does not teach identifying discrepancies after each feature is created. The methods described by Dimsdale work for the complete model but will not work for testing while the model is being built. In order to compare a model that is in the process of being built, comparison data needs to be collected, stored and used for every stage of the creation process. Comparison data needs

to be exported from the source CAD system by actually asking the source CAD system to rebuild the model and exporting comparison data at each step of the rebuild process. This data is then used at every stage of the build process in the target CAD system for identifying discrepancies. None of this is obvious or taught in any combination of the mentioned references.

Furthermore, dependent claim 2 recites, "the server is configured to iterate,...the process of generating a feature using alternative measurements during each iteration.". Nowhere is this limitation taught and nowhere is a reasoned rationale provided to support the obviousness rejection. The Examiner has failed to resolve the Graham factors, articulate appropriate factual findings, and explain the reasoning that provides a nexus between the factual findings and the legal conclusions of obviousness. Rappaport fails to account for this claim limitation, and the Examiner has also failed to explain a further reasoned rationale to support the obviousness rejection.

Dependent claim 9 recites, "...computer programmable logic for displaying the discrepancy to an operator at the client in the event of the server's failure to automatically correct a discrepancy in a feature of the target geometric model". Nowhere is this limitation taught and nowhere is a reasoned rationale provided to support the obviousness rejection. The Examiner has failed to resolve the Graham factors, articulate appropriate factual findings, and explain the reasoning that provides a nexus between the factual findings and the legal conclusions of obviousness. Rappaport fails to account for this claim limitation, and the Examiner has also failed to explain a further reasoned rationale to support the

obviousness rejection.

Independent claim 14 recites "...the server operative to identify discrepancies in respective features therebetween, and further configured to automatically correct discrepancies of a feature". Nowhere is this limitation taught and nowhere is a reasoned rationale provided to support the obviousness rejection. The Examiner has failed to resolve the Graham factors, articulate appropriate factual findings, and explain the reasoning that provides a nexus between the factual findings and the legal conclusions of obviousness. More particularly, Rappaport ('963) (see col. 8, ll. 15-29) fails to teach the limitations. Applicants' apparatus requires us to extract and maintain comparison data for each feature. Dimsdale and Rappaport can be combined for point cloud for the entire model, but Dimsdale point cloud (being a laser scanned point cloud) can never be extrapolated to per feature point cloud or point cloud during the build process because the concept of building by features does not exist in Dimsdale.

Independent claim 18 recites, "...the server is further configured to correct feature discrepancies after generating the feature and prior to generating another feature.". The key phrase here is "after each feature and prior to generating another feature". This claim limitation is not taught in any of the cited references.

Independent claim 24 recites, "...e) iterating step c), using a second set of construction rules to generate the selected feature in the desired translated target geometric model, in the event of a discrepancy between the selected feature from the target geometric data and a corresponding feature from the source geometric data in order

to rectify the discrepancy". None of the references teach any iterative process or the use of different construction rules to regenerate the feature. Rappaport teaches fixing errors in the feature construction if the feature fails but does not teach using other construction rules if the feature succeeds but causes discrepancies.

Independent claim 36 recites, "...1) a group of all possible combinations of features, dimensions, sketches, parameters and definitions supported by the target CAD system, and 2) a group of all variations of features, dimensions, sketches, parameters and definitions supported by the target CAD system in an effort to resolve the discrepancy.". None of the references teach the use of different combinations of features, dimensions, etc. or variations of those to resolve discrepancies.

Accordingly, the obviousness rejection of claims 1-42 is believed to be overcome. Applicant herein requests an interview with the Examiner to further explain the claim limitations as they distinguish over the cited prior art as it is believed that the Examiner has misapplied the prior art references. Withdrawal of this rejection is respectfully requested.
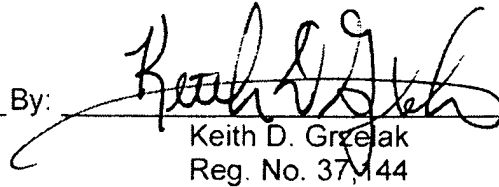
CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

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Respectfully submitted,

Dated: 12/29/08   By: _____

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